



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants: Birsan et al.

Confirmation No.: 2470

Serial No: 09/644,819

Examiner: Matthew J. Ludwig

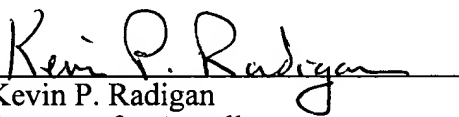
Filed: August 23, 2000

Group Art Unit: 2178

Title: XML BASED SYSTEM FOR UPDATING A DOMAIN MODEL  
AND GENERATING A FORMATTED OUTPUT

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Kevin P. Radigan  
Attorney for Appellants  
Registration No. 31,789

Date of Signature: September 19, 2005

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P.O. Box 1450  
Alexandria, VA 22313-1450

Brief of Appellants

Dear Sir:

This is an appeal from a final rejection, dated April 20, 2005, rejecting all pending claims, i.e., claims 1-27. This Brief is accompanied by a transmittal letter authorizing the charging of Appellants' deposit account for payment of the requisite fee set forth in 37 C.F.R. §1.17(c).

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The format and content of this Brief is believed to be in compliance with requirements set forth in 37 C.F.R. §41.37(c). However, if Appellants' Brief does not comply with the requirements set forth in 37 C.F.R. §41.37(c), Appellants request notification of a reason for noncompliance and the opportunity to file an amended Brief pursuant to 37 C.F.R. §41.37(d).

### **Real Party in Interest**

This application is assigned to **International Business Machines Corporation** by virtue of an assignment executed by the co-inventors and recorded with the United States Patent and Trademark Office at reel **011670**, frame **0050**, on March 16, 2001. Therefore, the real party in interest is **International Business Machines Corporation**.

### **Related Appeals and Interferences**

To the knowledge of the Appellants, Appellants' undersigned legal representative, and the assignee, there are no other appeals or interferences, which will directly affect or be directly affected by or have a bearing on the Board's decision in the instant appeal.

### **Status of Claims**

This patent application was filed on August 23, 2000, with the United States Patent and Trademark Office. As filed, the application included 27 claims, four (4) of which were independent (i.e., claims 1, 13, 18 & 23).

In an initial Office Action, dated January 20, 2004, the specification content was objected to as containing a computer program listing consisting of more than three hundred (300) lines, and claims 1, 3-5, 13, 15, 16, 18, 20, 21, 23 & 25-26 were objected to as containing acronyms, while claims 1-27 were rejected under 35 U.S.C. §102(e) as being anticipated by Wanderski et al. (U.S. Patent No. 6,519,617 B1). In Appellants' response mailed April 20, 2004, the computer listings at pages 34-120 of the application were deleted and substituted on an incorporated compact disc, while claims 1-27 were amended.

In a second Office Action mailed October 21, 2004, the rejection of claims 1-27 under 35 U.S.C. 102(e) was withdrawn pursuant to Appellants' arguments, and a new rejection of claims 1-27 under 35 U.S.C. §103(a) over Raman (U.S. Patent No. 5,748,186; hereinafter "Raman") was stated. Since the Office Action did not continue the specification and claims objections of the first Office Action, it is believed that those objections were withdrawn pursuant to Appellants' prior filed amendments. In response to the October 21, 2004 Office Action, Appellants filed a Response on December 17, 2004, in which no claims were amended.

On April 20, 2005, a final Office Action was issued. In this Office Action, claims 1-27 were again rejected under 35 U.S.C. §103(a) as being unpatentable over Raman. Appellants filed a Request for Reconsideration of the final Office Action on June 17, 2005, in which no claims were amended.

Appellants received an Advisory Action, dated July 18, 2005, which indicated that the Request for Reconsideration had been considered, but did not place the application in condition for allowance.

A Notice of Appeal to the Board of Patent Appeals and Interferences was mailed on July 20, 2005. The Notice of Appeal was received at the U.S. Patent and Trademark on July 22, 2005. The status of the claims is therefore as follows:

Claims allowed – none;

Claims objected to – none;

Claims rejected – 1-27; and

Claims canceled – none.

Appellants are appealing the rejection of claims 1-27.

#### **Status of Amendments**

Appellants proffered no amendments responsive to the final Office Action mailed April 20, 2005. The claims as set out in the Appendix include all prior entered claim amendments.

### **Summary of Claimed Subject Matter**

In one aspect of the invention, Appellants claim a mechanism (e.g., independent claim 1; reference 10 of FIG. 1) for manipulating information from a source data model 16 and creating a target data model 18. The mechanism includes a template module 12 including a directive to extract and manipulate selected data of a source data model, which includes read-only data (see, e.g., page 8, line 10 – page 10, line 18). The mechanism further includes a template processing module 14 to process the directive contained in the template module. The template processing module further includes a component to generate a Document Object Model tree for navigating the template module to manipulate the source data model and create a target data model 18 (see, e.g., 110 of FIG. 2, and page 20, lines 12-26).

In another aspect, a method (e.g., independent claim 13) is provided for manipulating selected data from a source data model 16. This method includes: defining a template file 12 (FIG. 1) having a directive specifying data to be extracted and manipulated in a source data model 16, the source data model including read-only data (see, e.g., page 8, line 10 – page 10, line 18); generating a Document Object Model tree for navigating the template file (see, e.g., 110 of FIG. 2, and page 20, lines 12-26); and navigating the template file and processing the directive to extract and manipulate selected data in the source data model to facilitate creation of a target data model 18 (see, e.g., FIGS. 2-7, page 19, line 23 – page 27, line 21).

In still another aspect, a computer program product (e.g., independent claim 18) is provided for an application program for creating objects (see, e.g., page 27, line 22 – page 29, line 5; and page 29, line 24 – page 31, line 24). The application program includes a utility for manipulating information in a source data model 16 (FIG. 1) and creating a target data model 18. The computer program product comprises a recording medium (see, e.g., page 30, line 21 – page 31, line 6) and means recorded on the recording medium for instructing a computer to perform: defining a template file 12 having a directive specifying data to be extracted and manipulated from a source data model 16, the source data model including read-only data (see, e.g., page 8, line 10 – page 10, line 18); generating a Document Object Model tree for navigating the template file (see, e.g., 110 of FIG. 2, and page 20, lines 12-26); and navigating the template file and processing the directive to extract and manipulate selected data in the source data model to

facilitate creation of a target data model 18 (see, e.g., FIGS. 2-7; page 19, line 23 – page 27, line 21).

In a further aspect, Appellants claim a computer program product (e.g., independent claim 23) comprising means (see, e.g., page 27, line 22 – page 29, line 5; and page 29, line 24 – page 31, line 24) for instructing a computer to perform a method for manipulating selected data from a source data model 16 (FIG. 1). The method includes: defining a template file 12 having a directive specifying data to be extracted and manipulated in a source data model, the source data model comprising read-only data (see, e.g., page 8, line 10 – page 10, line 18); generating a Document Object Model tree for navigating the template file (see, e.g., 110 of FIG. 2, and page 20, lines 12-26); and navigating the template file and processing the directive to extract and manipulate selected data in the source data model to facilitate creation of a target data model 18 (see, e.g., FIGS. 2-7; page 19, line 23 – page 27, line 21).

#### **Grounds of Rejection to Be Reviewed On Appeal**

1. Whether claims 1-27 were rendered obvious under 35 U.S.C. §103(a) to one of ordinary skill in the art in view of Raman.

## Argument

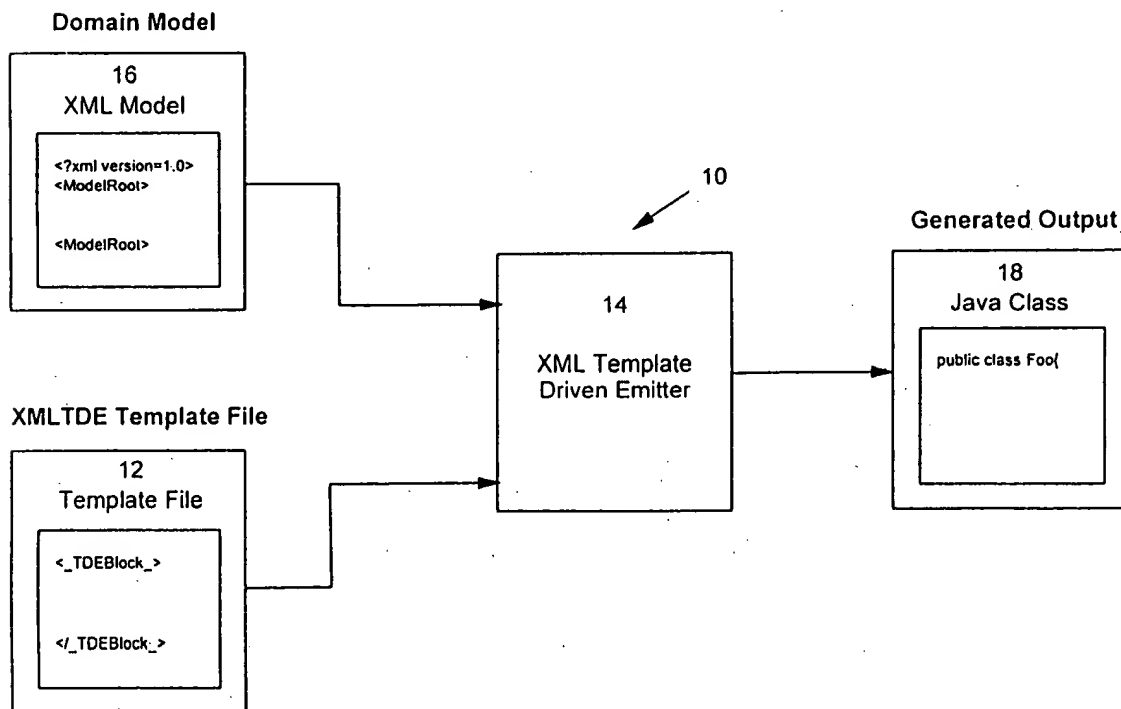
### **I. Rejection under 35 U.S.C. §103(a) over U.S. Patent No. 5,748,186 to Raman**

#### **A. Claims 1-27:**

Reversal of the rejection to claims 1-27 as obvious over Raman is respectfully requested.

Appellants recite in the independent claims a mechanism for manipulating information from a source data model and creating a target data model. As one example, reference the following FIG. 1 from the application.

**Figure 1**



The mechanism is indicated generally by reference 10 and comprises a template file or module 12 and a template driven emitter or template processing module 14. As will be described in more detail below, the template driven emitter 14 applies the template file 12 to a domain model 16 to produce a generated output file 18. In the context of the present invention, the domain model 16 comprises a source data model and the generated output file 18 comprises a target data model. The source data model 16 contains read-only data which is extracted by the mechanism 10 and used to generate a formatted output, i.e., the target data model 18. (See page 8, lines 10-21 of the specification.)

More particularly, Appellants claim a technique for manipulating information from a source data model and creating a target data model (e.g., claims 1, 13, 18 & 23). The technique includes: a template module including a directive to extract and manipulate selected data of a source data model, the source data model comprising read-only data; a template processing module to process the directive contained in the template module; and wherein the template processing module further includes a component to generate a Document Object Model tree for navigating the template module to manipulate the source data model and create a target data model. Thus, in Appellants' claimed invention:

- (1) Information from a source data model is manipulated to create a target data model.
- (2) A template module is provided which includes a directive to extract and manipulate selected data of the source data model, wherein the source data model is read-only data.
- (3) A template processing module is further provided to process the directive contained in the template module.
- (4) The template processing module includes a component to generate a Document Object Model tree *for navigating the template module to manipulate the source data model and create a target data model*.

Appellants respectfully submit that the above-summarized features of their independent claims are not taught or suggested by the applied art.

Appellants request reconsideration and withdrawal of the obviousness rejection on the following grounds: (1) the Office Action fails to state a *prima facie* case of obviousness against Appellants' claimed invention; (2) the Office Action has misinterpreted the teachings of the Raman patent, thus voiding the basis for the rejection; (3) the justification for modifying the Raman patent is deficient; (4) the Raman patent itself lacks any teaching, suggestion or incentive for its modification; and (5) the stated rejection is a hindsight reconstruction of the claimed invention using Appellants' own disclosed subject matter.

Initially, Appellants note that the Office Action fails to indicate a teaching or suggestion in Raman which sets forth a mechanism for manipulating information from a source data model to create a target data model. Further, Appellants respectfully submit that no such mechanism is described by Raman. The Raman patent is directed to a computer system for facilitating interactive presentation of electronically encoded multi-media information. That is, Raman teaches techniques for rendering multi-media information. Raman describes a facility for a user to interactively and independently control the receiving of information and the presentation of information in a plurality of presentation modalities. Audio, visual and tactile renderings are described. Appellants respectfully submit that one of ordinary skill in the art would not read Raman as teaching a mechanism for manipulating information from a source data model to create a target data model. Again, the Office Action makes no mention of Appellants' recited concept of creating a target data model, and thus, fails to state a *prima facie* case of obviousness based on Raman. Clearly, based on Appellants' independent claims, the source data model and the target data model comprise distinct models within the claimed invention.

Still further, the Office Action fails to state a *prima facie* case with respect to Appellants' characterization that the "template processing module further includes a component to generate a Document Object Model tree *for navigating the template module to manipulate the source data model and create a target data model.*" In rejecting this subject matter, the Office Action summarizes certain subject matter at column 4, lines 45-67 & column 5, lines 10-45 of Raman, and then states:

The Examiner believes Raman suggests the generation of a similar Document Object Model and the navigation of said similar Document Object Model to manipulate a source document to facilitate creation of a target data model in multiple modalities.



However, no support for this belief is set forth or explained in the Office Action. Again, Raman does not create a target data model as recited by Appellants. Further, there is no teaching or suggestion in Raman of a Document Object Model tree being created *for the navigation of a template module to manipulate the source data model and create a target data model*. For this additional reason, Appellants respectfully submit that the Office Action fails to state a *prima facie* case of obviousness against their pending claims. Thus, reconsideration and withdrawal of the final Office Action are again requested.

In addition, Appellants respectfully submit that the Office Action has misinterpreted the teachings of Raman as being applicable to the claims at issue. For example, Appellants recite in their independent claims a component *within the template processing module* to generate a Document Object Model tree *for navigating the template module to manipulate the source data model*. A careful reading of Raman fails to uncover any teaching or suggestion of such functionality.

One skilled in the art understands that a Document Object Model (DOM) is a specification for how data (e.g., document objects) or objects (such as: text, images, headers, links, etc.) are to be represented in a Web page (i.e., a document authored in a presentation language). The DOM defines attributes associated with each object in the Web page, and how the objects and the associated attributes may be manipulated. Dynamic HTML (Dynamic Hyper-Text Markup Language) is an authoring language used to create Web pages or documents on the World Wide Web, and relies on a DOM to dynamically change the appearance of Web pages after they have been downloaded to a user's browser. A DOM specifies or defines the logical structure of document and the way a document is accessed or manipulated. Documents authored under HTML or XML (Extensible Markup Language) may contain data, and a DOM may be used to manage or handle the data contained in the HTML or XML authored documents. The contents of the DOM may be logically structured like a tree.

Conventionally, the user (i.e., the person desiring access to document objects contained in a document) does not have any means available to change the visual display of the document objects because the user does not have access to the DOM.

Appellants respectfully submit that a careful reading of Raman fails to uncover any teaching or suggestion of a Document Object Model tree *per se*, let alone the generating of a Document Object Model tree *for navigating the template module to manipulate the source data model and create a target data model* as recited by Appellants in the independent claims. Since the DOM tree is a known term of art, and since Raman does not teach or discuss generating a DOM tree for any purpose, Appellants respectfully submit that there is no teaching or suggestion therein of generating a DOM tree for navigating the template module to manipulate the source data model and create a target data model as recited by Appellants in their independent claims. This deficiency undercuts the viability of Raman as a reference against Appellants' invention.

The final Office action explains at pages 3 & 7 why the Examiner believes that there is a "suggestion" of a DOM in the language of Raman. Thus, Appellants understand the rejection as implying that a DOM tree is inherent in the processing of Raman. Without acquiescing to this characterization of the teachings of Raman, Appellants respectfully submit that there is no teaching or suggestion in Raman of a component within a template processing module such as recited by Appellants for generating a DOM tree *for navigating the template module to manipulate the source data model and create a target data model*. No similar environment is set forth in Raman. Thus, there can be no teaching or suggestion therein of a component to generate a Document Object Model tree for the particular purpose recited by Appellants in their independent claims.

An "obviousness" determination requires an evaluation of whether the prior art taken as a whole would suggest the claimed invention taken as a whole to one of ordinary skill in the art. In evaluating claimed subject matter as a whole, the Federal Circuit has expressly mandated that functional claim language be considered in evaluating a claim relative to the prior art. Appellants respectfully submit that the application of these standards to the independent claims presented leads to the conclusion that the recited subject matter would not have been obvious to one of ordinary skill in the art based on the applied patent.

Further, Appellants respectfully traverse a conclusion that the modifications necessary to Raman to achieve Appellants' invention would have been obvious to one of ordinary skill in the art. The only justification given in the Office Action for modifying the teachings of Raman are as follows:

Because the claim limitations are to be given their broadest reasonable interpretation within the scope of the art, the methods provided by Raman that manipulate the DOM based on templates and rules provide the necessary suggestions of a similar process as the limitations of the claim. Therefore, it would have been obvious to one of ordinary skill in the art to utilize the software methods which can operate during the rendering of a document to allow for similar treatment of the manipulation of elements within the document object to create a marked-up document.

Noticeably absent from this justification is any express teaching, suggestion or incentive identified in the art for making the proposed modifications. Hindsight is always perfect and it is insufficient to prove at the time of the claimed invention, the separate elements of the invention were present in the known art. There must have been some explicit teaching or suggestion in the art to motivate one of even ordinary skill in the art to combine the elements at issue so as to create the same invention.

The only justification in the Office Action is simply a restatement of the alleged result of the modification, rather than a reason for the modification drawn from the prior art or from the knowledge available to one of ordinary skill in the art.

Still further, upon a review of the Raman patent, there is no teaching, suggestion or incentive for its modification as necessary to achieve Appellants' claimed invention. Raman teaches at column 2, lines 17-51:

... The method includes the steps of receiving the information, and converting the information to a common intermediate representation independent of any one of the presentation modalities. (Emphasis added.)

The common intermediate representation is stored in a memory of a computer system in the form of a hierarchical attribute tree. The tree has a plurality of document objects. Each document object represents the invention, the structure of the of the information, and procedures which can operate on some structural element of the information. ...

While presenting the information, the method receives control signals from a user using the plurality of user communication modalities. The control signals enable the user to interactively and independently control the receiving of the information and the presentation of the information in a plurality of presentation modalities. ...

In sharp contrast to Appellants' independent claims, the Raman patent actually teaches an opposite process. Raman teaches one of ordinary skill in the art to combine document objects (document data) along with structure about the document object, and procedures which can operate on some structural element of the document data into a single entity called the common intermediate representation. This Raman patent teaching thus motivates a person of ordinary skill in the art in an opposite direction from that recited by Appellants in the independent claims. Appellants' independent claims recite that the document data is separate from the DOM tree (i.e., a specification which shows how to structure the document data).

Also, Raman teaches a person skilled in the art away from the subject matter of Appellants' independent claims by permitting, while presenting the information, a user to send control signals using the plurality of communication modalities. Thus, the user presumably desires visual access to the document containing the document object. These control signals enable the user to interactively and independently control the receiving of the information and the presentation of the information in a plurality of presentation modalities. Appellants' independent claims are characterized by generating a DOM tree, which as known by one skilled in the art, is not accessible by a user.

Based on the forgoing, since Appellants' independent claims recite functionality which is clearly opposite to the teachings of Raman, it is respectfully submitted that one skilled in the art would not have been motivated by the teachings thereof to modify Raman in a manner necessary to achieve their recited invention.

Yet further, the justifications provided in the Office Action for the modifications to Raman offer no technical basis outside that contained in Appellants' own specification, they merely restate the result of the modifications in hindsight. Thus, the rejection also violates the well-known principle that Appellants' own disclosure cannot be used as a reference against them.

In summary, Appellants request reversal of the rejection of the independent claims based on the Office Action's failure to set forth a *prima facie* case of obviousness; the misinterpretation of the Raman patent; the conclusory nature of the reason for the modifications necessary to achieve their claimed invention; the lack of an actual teaching, suggestion or incentive in the art

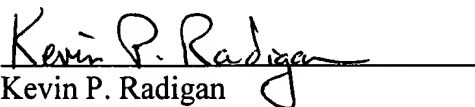
for the modifications (and an actual teaching away from Appellants' claimed invention); and the use of Appellants' own disclosure and result as a basis for the modification.

There is no express discussion in Raman of a component for generating a DOM tree *per se*, nor is there any discussion of how to use a DOM tree *for navigating a template module to manipulate a source data model* and create a target data model as recited by Appellants in the independent claims presented. For all the above reasons, Appellants respectfully request withdrawal of the obviousness rejection to the pending independent claims based upon the teachings of Raman.

The dependent claims are believed allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their own additional characterizations.

### **Conclusion**

Appellants respectfully request reversal of the 35 U.S.C. §103(a) rejection to claims 1-27 set forth in the final Office Action. For the various reasons set forth above, Appellants respectfully submit that their claimed invention would not have been obvious to one of ordinary skill in the art based on Raman, and therefore, allege error in rejection their claims 1-27 as obvious thereon. Accordingly, reversal of the stated rejection is respectfully requested.

  
Kevin P. Radigan  
Reg. No. 31,789  
Attorney for Appellants

Dated: September 19, 2005

HESLIN ROTHENBERG FARLEY & MESITI P.C.  
5 Columbia Circle  
Albany, New York 12203-5160  
Telephone: (518) 452-5600  
Facsimile: (518) 452-5579

## **Appendix**

1. A mechanism for manipulating information from a source data model and creating a target data model, said mechanism comprising:
  - (a) a template module including a directive to extract and manipulate selected data of a source data model, said source data model comprising read-only data;
  - (b) a template processing module to process said directive contained in said template module;
  - (c) said template processing module further including a component to generate a Document Object Model tree for navigating said template module to manipulate said source data model and create a target data model.
2. The mechanism as claimed in claim 1, wherein said template module further includes a directive to create said target data model, said target data model providing a repository for data obtained from said source data model.
3. The mechanism as claimed in claim 1, wherein said template module includes a directive to manipulate the Document Object Model tree.
4. The mechanism as claimed in claim 1, wherein said template processing module further includes a component to generate a Document Object Model tree for navigating said source data model.
5. The mechanism as claimed in claim 4, wherein said template module includes a directive to manipulate the Document Object Model tree for the source data model.
6. The mechanism as claimed in claim 1, in an application development program and said source data model and said target data model define an object for an application program.

7. The mechanism as claimed in claim 1, wherein said template module is expressed in Extensive Markup Language, said template module being defined according to a Document Type Definition.

8. The mechanism as claimed in claim 2, wherein said template module is expressed in Extensive Markup Language, said template module being defined according to a Document Type Definition.

9. The mechanism as claimed in claim 3, wherein said template module is expressed in Extensive Markup Language, said template module being defined according to a Document Type Definition.

10. The mechanism as claimed in claim 4, wherein said template module is expressed in Extensive Markup Language, said template module being defined according to a Document Type Definition.

11. The mechanism as claimed in claim 5, wherein said template module is expressed in Extensive Markup Language, said template module being defined according to a Document Type Definition.

12. The mechanism as claimed in claim 6, wherein said template module is expressed in Extensive Markup Language, said template module being defined according to a Document Type Definition.

13. A method for manipulating selected data from a source data model, said method comprising:

(a) defining a template file having a directive specifying data to be extracted and manipulated in a source data model, said source data model comprising read-only data;

(b) generating a Document Object Model tree for navigating said template file;

(c) navigating said template file and processing said directive to extract and manipulate selected data in said source data model to facilitate creation of a target data model.

14. The method as claimed in claim 13, further including creating said target data model, said target data model providing a repository for the data obtained from said source data model.

15. The method as claimed in claim 13, wherein said applying said directive includes generating a Document Object Model tree for navigating said source data model.

16. The method as claimed in claim 15, wherein said template file includes a directive for manipulating the Document Object Model tree for said source data model.

17. The method as claimed in claim 16, wherein said template file is expressed in Extensive Markup Language, said template file being defined according to a Document Type Definition.



18. A computer program product for an application program for creating objects, said application program including a utility for manipulating information in a source data model and creating a target data model, said computer program product comprising:

a recording medium;

means recorded on said medium for instructing a computer to perform:

(a) defining a template file having a directive specifying data to be extracted and manipulated from a source data model, said source data model comprising read-only data;

(b) generating a Document Object Model tree for navigating said template file;

(c) navigating said template file and processing said directive to extract and manipulate selected data in said source data model to facilitate creation of a target data model.

19. The computer program product as claimed in claim 18, further including creating said target data model, said target data model providing a repository for the data obtained from said source data model.

20. The computer program product as claimed in claim 18, wherein said applying said directive includes generating a Document Object Model tree for navigating said source data model.

21. The computer program product as claimed in claim 20, wherein said template file includes a directive for manipulating the Document Object Model tree for said source data model.

22. The computer program product as claimed in claim 18, wherein said template file is expressed in Extensive Markup Language, said template file being defined according to a Document Type Definition.

23. A computer program product comprising means for instructing a computer to perform a method for manipulating selected data from a source data model, said method comprising:

(a) defining a template file having a directive specifying data to be extracted and manipulated in a source data model, said source data model comprising read-only data;

(b) generating a Document Object Model tree for navigating said template file;

(c) navigating said template file and processing said directive to extract and manipulate selected data in said source data model to facilitate creation of a target data model.

24. The computer program product as claimed in claim 23, further including creating said target data model, said target data model providing a repository for the data obtained from said source data model.

25. The computer program product as claimed in claim 23, wherein said applying said directive includes generating a Document Object Model tree for navigating said source data model.

26. The computer program product as claimed in claim 25, wherein said template file includes a directive for manipulating the Document Object Model tree for said source data model.

27. The computer program product as claimed in claim 26, wherein said template file is expressed in Extensive Markup Language, said template file being defined according to a Document Type Definition.

\* \* \* \* \*

## TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.  
CA919990037US1

In Re Application Of: Birsan et al.



Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/644,819	08/23/2000	Matthew J. Ludwig	46369	2178	2470

Invention: XML BASED SYSTEM FOR UPDATING A DOMAIN MODEL AND GENERATING A FORMATTED OUTPUT

COMMISSIONER FOR PATENTS:

Transmitted herewith ~~is~~ is the Appeal Brief in this application, with respect to the Notice of Appeal filed on  
July 20, 2005

The fee for filing this Appeal Brief is: \$500.00

- ☐ A check in the amount of the fee is enclosed.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 09-0463 (IBM)
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

*Kevin P. Radigan*  
Signature

Dated: September 19, 2005

Kevin P. Radigan, Esq.  
Registration No.: 31,789

HESLIN ROTHENBERG FARLEY & MESITI, P.C.  
5 Columbia Circle  
Albany, New York 12203  
Tel: (518) 452-5600  
Fax: (518) 452-5579

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September 19, 2005.

(Date)  
*Kevin P. Radigan*  
Signature of Person Mailing Correspondence

Kevin P. Radigan

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